



DRAFT – Subject to Council approval or revisions at Council Meeting #66
**Hawaiian Islands Humpback Whale National Marine
Sanctuary Advisory Council**

65th Meeting

February 3rd, 2014 || 8:30 am to 4:45 pm
Inouye Regional Center Conference Room
1845 Wasp Boulevard, Building A
Ford Island
Joint Base Pearl Harbor Hickam, Hawai'i

NON-GOVERNMENT (Voting)

Tetsuzan Benny Ron
Business Commerce

Cindi Punihaole Kennedy
Citizen-At-Large

Richard Davison
Commercial Shipping

Barbara (Maka'ala) Kaaumoana
Conservation

Jennifer Barrett
Education

Myrick (Rick) Gaffney
Fishing

Adam Pack (Chair)
Hawai'i County

Roberts (Bob) Leinau
Honolulu County

George Thompson
Kaua'i County

Solomon Pili Kaho'ohalahala
Lana'i Island

Robin Newbold
Maui County

Walter Ritte
Moloka'i Island

Matthew Kawiola Sproat
Native Hawaiian

Douglass Cole
Ocean Recreation

John (Jack) Kittinger
Research

Kimokeo Kapahulehua
Tourism

Jim Coon
Whale Watching

GOVERNMENT (Non-Voting)

Leo Asuncion
DBEDT – Office of Planning

Andrea Gill
DBEDT Renewable Energy

William J. Aila Jr.
DLNR

Elia Herman
*DLNR – Hawaiian Islands
Humpback Whale NMS*

Gary Gill
DOH

Sandra Rossetter
DOT – Harbors

Keola Lindsey
OHA (Voting)

Gene Brighthouse
NMS of American Samoa

Malia Chow
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David Swatland
Papahānaumokuākea MNM

Take Tomson
NOAA OLE

Lisa Van Atta
NOAA Fisheries PIRO

Eric Kingma
WESPAC (Voting)

Athline M. Clark
US ACOE

Eric Roberts
US Coast Guard

Janice Fukawa
US Navy

Purpose: The purpose of this meeting is to update the Sanctuary Advisory Council and the public on the status of the sanctuary's management plan review process.

IRC Welcome: Before the meeting begins, Steve Gallagher, manager of the Inouye Regional Center, welcomes everyone to the new building and gives an overview of the building's features.

Kimokeo Kapahulehua opens the meeting with a pule in memory of Senator Inouye, and all kupuna who have taught us how to care for our natural resources.

Chair Adam Pack thanks the sanctuary superintendent and staff for inviting all SAC members to the IRC for this meeting. He explains that the purpose of the meeting was to update the council and the public about the status of MPR process. He announces that none of the SAC members have been formally briefed on the draft management plan. In preparation for the release of the draft, the SAC has developed a management plan review (MPR) working group led by Jack Kittinger and Solomon Kaho'ohalahala. The proposed tasks of this working group are to develop the work plan for the group to engage once the plan is released, review the management plan and develop a summary evaluation, and present the results of this evaluation at the in-person SAC meeting during the 90-day comment period.

Secretary Jack Kittinger takes attendance.

Primary council members present: Cindi Punihaole Kennedy, Maka'ala Ka'aumoana, Jennifer Barrett, Rick Gaffney, Adam Pack, George Thompson, Solomon Pili Kaho'ohalahala, Robin Newbold, Walter Ritte, Matthew Kawiola Sproat, Douglass Cole, Jack Kittinger, Kimokeo Kapahulehua, Jim Coon, Gene Brighthouse, Take Tomson, David Swatland, Malia Chow, Eric Roberts, Janice Fukawa, Eric Kingma, Andrea Gill, Sandra Rossetter, Leo Asuncion, Keola Lindsay, Elia Herman, Frazier McGilvray (for William Aila), Chris Whelen (for Gary Gill)

Alternate council members present: Teri Leicher (for Tetsuzan Benny Ron), Nina Monasevitch (via phone), Rachel Sprague (for Lisa Van Atta), Brad Wong, Gordon LaBedz

Others present: Rae DeCoito, Shannon Lyday, Lelei Peau, Ka'au Abraham, Anne Walton, Patty Miller, Fiona Langenberger, Emily Gaskin, Jordan Ching, Ali Andrews, Daniela Kittinger, Allen Tom, Kalasara Setaysha, Mel Wills, Cory Scott, David Weiss, Dennis Rowley (via phone), John Burger (via phone), Jamie Thornton (via phone), Mimi Olry (via phone), Donna Lee (via phone).



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Excused: Athlene Clark, Richard Davison, Tetsuzan Benny Ron, Gary Gill, William Aila, Lisa Van Atta

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Introductions

Council members and meeting attendees briefly introduce themselves.

Approval of meeting minutes

Jim Coon motions to approve meeting 63 minutes. Motion seconded by Maka'ala Ka'aumoana. Motion passed unanimously.

Jennifer Barrett motions to approve meeting 64 minutes with modification: \$32,000 raised for sanctuary foundation "through many channels," rather than just through retail sales. Motion seconded by Maka'ala Ka'aumoana. Motion passed unanimously.

SAC Recruitment

Emily Gaskin reports that a number of council seats are up for term. Seventeen applications were received for 13 seats. Ten of the applicants are new (not currently holding seats on the council). A new selection process has been introduced that is intended to increase transparency. This system has a particular criteria set for all applicants to be graded on. The next step is that the superintendent makes her recommendations to ONMS Regional Director Allen Tom for final approval. Native Hawaiian alternate seat and Youth seat did not receive applications. These will be re-advertised on February 18th, 2014, along with the Commercial Shipping alternate seat.

Adam asks how the youth seat is advertised. Emily replies that notices go out in the paper and on website, as well as direct outreach out to schools. Patty Miller adds that the school outreach was done through DOE. It is recommended that engaging schools directly would be helpful.

Officer elections. Two offices up for election: chair and vice-chair. Members received letters of interest from all applicants.

Maka'ala nominates Sol Kaho'ohalahala for vice-chair. Jim Coon seconds.

Jack nominates Adam Pack for chair. Cindi Punihaole Kennedy seconds.

Jack distributes the ballots, to be picked up and counted during the break.

New OHA representative

Malia thanks Everett Ohta (not present) for his service on the SAC, and introduces Keola Lindsey, the new OHA representative. A certificate of service is presented.

Management Plan Review (MPR) update

Malia Chow and Anne Walton provide a summary and update of the MPR process. The plan is to present a draft management plan/environmental impact statement (DMP/DEIS) to the public later this year. After the release of the DMP/DEIS, the sanctuary will host another SAC meeting to walk all SAC members through our prepared draft to convey to the public.



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Review of the MPR process:

- SAC engaged from the beginning
- There will be a 90 day public comment period after draft is released
- Final decision anticipated about a year and a half after the close of public comment period.
- The Sanctuary received 12,583 public comments during the 2010 public comment period. Staff organized comments into categorical bins.
- In 2012, the SAC generated 9 working group reports to inform the draft management plan, which collectively recommended 150 actions for the sanctuary management. A total of 153 subject matter experts participated in 64 meetings, amounting to over 2000 volunteer hours
- Two working groups (ecosystem protections and Native Hawaiian) converged on the idea that sanctuary should consider and ecosystem-based approach. Convened an Aloha ‘Āina workshop with the sanctuary. Produced the Aloha ‘Āina document outlining principles upon which our review process will be based

The management plan has four thematic areas (Anne Walton):

1. Implementing Ecosystem Protection
2. Perpetuating Cultural Heritage
3. Transitioning Towards Sustainability
4. Ensuring Management Effectiveness

Regulations: ONMS is not a regulatory agency but regulations are part of the toolkit we employ to protect special places.

- We have a broader authority so often we can implement regulations that other agencies may not
- Our penalty schedule is generally higher than other agencies
- Expand regulations to be consistent with other ecosystem-based sanctuaries
- Categories of regulations that sanctuary management may consider for discrete areas of the sanctuary:
 1. Modify current approach regulation
 2. Expand take and possess regulations that apply to humpback whales to other species/resources
 3. Water quality is the core piece of a healthy system. Current regulations are not very functional. Considering regulations for discharge within discrete areas of the sanctuary, and regulations for impacts from outside of the sanctuary that enter and injure a resource
 4. The sanctuary may also consider habitat protection
 5. Strengthen enforcement capabilities
- The proposed regulations would only apply to specific areas within the sanctuary. Sanctuary management is considering some key areas where it is believed these regulations will be most effective: Penguin Banks, Maui Nui Areas (outside of 3 miles) and Maunalua Bay.

Potential boundary changes (Malia)

- *Ni‘ihau* – The sanctuary received a petition from Ni‘ihau residents asking the sanctuary to consider inclusion. If added a total of 218 square miles is being considered for a 16% expansion.

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- *North Shore of O'ahu* (Doug Cole) - Proposed by Mālama Pūpūkea-Waimea. The proposed boundary change would extend the sanctuary west (approx 1 mile) to Ali'i beach park. North Shore designated as a Surfing Reserve. Endures the brunt of the surfing industry's exposure. Doug believes that this boundary shift would be well-received and would make sense to allow a more significant protection to the area. Normally sanctuary boundaries do not include harbors so Hale'iwa harbor would be completely excluded.
- *Kaua'i Island: Ha'ena* (Maka'ala) – proposed as acknowledgement of the traditional boundaries of Ha'ena ahupua'a. Boundary does not currently line up.
- *Kaua'i Island: Hanalei River* – Has had documented sea turtle activity in estuary. Designated American Heritage River (1/14 in America) that does not include any additional protection. Mean high tide mark allows the estuary to be included within sanctuary boundaries.
 - Maka'ala: North shores of O'ahu and Kaua'i are working together to address similar problems/issues that they are encountering. This is an opportunity for the sanctuary to play a role in fostering connections between communities
- *Kaua'i Island: Pila'a* – Trans-generational knowledge has been passed down to help to protect the reef outside Pila'a. Dr. Carlos Andrade asked if the sanctuary could work with him on a restoration project using traditional management practices. This area can be used a learning sit to continue the protection of all reefs. Hope to re-create this model of combining traditional Hawaiian management practices with science-based management so that it can be applied to other communities and settings
 - Maka'ala- Because Pila'a is privately owned it has not been greatly affected by traffic, and it is ready to be restored and replenished to its original state

Special Sanctuary Areas

- Discrete areas within the sanctuary with specific place-based needs and specific management actions
- Establish water quality research area – possible water quality working group. These areas can serve as test sites to launch a water quality research campaign.

Walter Ritte asks why boundaries are created when it is not necessarily encompassing the total species base/ecosystem? Allen Tom says that, originally, all the coasts of the Hawaiian Islands were proposed; however, boundaries were created to address concerns of a total take-over of the waters. Governor Cayetano changed the boundaries to what they are today. Original boundaries were very controversial, so the governor's intention was that this was going to be a trial and every five years we would do a management plan review to assess how it was going (which we are doing now). Malia adds that our transition to a fully functioning ecosystem-based management site will take time, and there are many competing interests in play. It is not our intention to protect all of our waters; we can only work where we have support from local communities and stakeholders.



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Adam clarifies that the existing boundaries were conceived based on the 100 fathom isobaths, as this is the common habitat for humpback. Highest concentration areas were where the boundaries were considered. With this being said, it is generally understood that the population has increased and their distribution patterns have most definitely changed since boundaries were created. Jim Coon adds that when we were assessing whale populations over 20 years ago we were assuming there were 500-600 whales - the boundaries are what the scientific community had resolved. Terri Leicher noted that people were cautiously optimistic about the sanctuary because of fear of regulations, but based on feedback, people have opened up to the sanctuary as an opportunity for education and awareness. Communities are getting involved so the sanctuary has increased public engagement statewide. However, people are still concerned about the proposed regulations, so she advises moving forward with caution. If there are changes, they need to be aligned with what has been happening recently. Otherwise we might lose everything we have started to gain.

Malia notes that the Ma'ala'ala proposal is non-regulatory for now. We would leverage partnerships. Mālama Maunalua has a lot of momentum, and has done a lot of work with their communities and strategic plan. The sanctuary is not reinventing the wheel. Sanctuary management sat down with the executive director to identify an education area, supported a community based strategic plan, and identified some things that we can support in their initiative. The Polynesian Voyaging Society (PVS) will also be relocating to Maunalua Bay. PVS would like to partner on a non-regulatory area. The sanctuary has a full range of alternatives and this is one that will likely move forward.

Adam asks Anne what additional protected species are being considered for protection. Anne replies that we are currently in a draft state, but we have been asked to include all protected (ESA and state listed endangered species) species with declining populations. This could include seabirds, marine mammals. The way the regulation will be proposed is that it does not necessarily have to call out individual species, but rather it links to the federal and state protected species, and includes new species that may come on the list over time.

There is discussion about partnerships being important to the sanctuary. Maka'ala states that she enjoys hearing about Mālama Maunalua's effort to address their water quality concerns because Hanalei Watershed Hui shares many of them. Adam says one concern is the sanctuary being redundant. Working in the Inouye Regional Center will enhance partnership opportunities with other NOAA offices.

Walter Ritte states that he is worried because his community is always battling with how to provide for their families, especially with diminishing resources. His community is concerned that state and federal resources are not being used for the best of the people. All these talks about boundaries and special areas won't be taken seriously by locals, as they do not believe that the sanctuary can manage resources correctly in the first place. The management plan is getting too complicated with boundaries and regulations and the public is not going to understand that. Malia responded that this is what the SAC meetings are for; people are going to ask you questions and we're trying to give you as much information as possible so you can give them answers. A lot of these concerns relate to the Aloha 'Āina document, and the sanctuary's goal is to address them correctly.



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The sanctuary is also planning a minimum 90-day public comment period after the draft comes out, during which there will be many public meetings.

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Jack Kittinger comments that we need to define our protections. The Aloha 'Āina workshop laid out the principles of it, but we have to decide how those principles get put into action. The sanctuary has voiced their desire to engage communities so that we can protect resources that are important for all of us. We need to establish a way to protect the ecosystem as a whole instead of just certain areas as we are all connected.

Eric Kingma asks whether there would be public hearings or Aloha 'Āina workshops in communities during MPR process. Elia says she understands public hearings can be frustrating, but more in-depth discussions are necessary. Adam asks Walter if that would be helpful for his community. Walter replied that the plan needs to be simple and make sense to the people. The more input the better but if the community cannot understand the sanctuary's intentions they will not support it.

Mālama Maunalua presentation (Guest speaker: Rae DeCoito)

Rae DeCoito begins by playing a short film about Maunalua Bay. She then provides a presentation which gives an overview of Mālama Maunalua's (MM) background, activities, and current relationship to the sanctuary. MM has identified three primary threats to the health of the bay: invasive algae, pollutant runoff, and overfishing. The Huki (limu removal project) was very successful, and native limu is returning. The community is extremely supportive, and MM is currently trying to develop partnerships in order to have an even bigger impact.

Walter asks what the State's position is on the proposed regulations at Maunalua Bay. Elia replies that the State is trying to come up with mutually agreed-upon rules. Walter adds that the State does not seem to have the authority to protect these areas, and MM has all of these community events but they still don't have power to help. The agencies need to work together to protect the ecosystem. Malia asks if the sanctuary can facilitate these learning exchanges so that communities can learn from each other and be empowered.

Teri Leicher comments that it is not only commercial industries that are contributing to these concerns, but other sources as well (i.e. land-based pollution from households, etc). The SAC needs to look at the big picture. There follows a discussion about making the sanctuary management model work for everyone, by listening to community concerns and ideas. Partnerships with organizations engaging in grassroots action, like what MM is doing, gives hope that the sanctuary is making progress toward that goal.

Jennifer Barrett asks how the sanctuary can best leverage the good work of the community programs into action. Can we facilitate information sharing? Maka'ala adds that KUA (formerly the Hawai'i Community Stewardship Network) is going to be a key piece in getting the management plan out into the community. We need to reach out to them. Malia adds that Maunalua Bay is a candidate site that the sanctuary can test out these regulations, working side by side with the State. The sanctuary is exploring but needs to be careful.

Walter responds that it is the SAC's job to sell these things to our communities. Right now, communities are not waiting for the State or feds to fix their problems, but maybe



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SAC members can change that. Is the sanctuary helping, or are they just adding another layer of opposition to getting fish on the table? The answer will determine whether or not communities get on board.

There is a discussion about permit violations. How can violators be penalized? Allen Tom states that there are penalties if you violate the approach rule, which are higher if the violation takes place within sanctuary boundaries. Take Tomson says complaints against businesses are investigated, and he has already given tickets this year.

Robin Newbold goes back to address Walter's concern, saying that in Maui they don't consider the sanctuary as a non-responsive federal institution. Rather, they are very much active in the community and accessible to them.

Elia asks Rae what kind of support MM needs from the sanctuary. Rae replies that enforcement is a challenge. MM's issues are similar to those of so many other communities, and a partnership with the sanctuary can propel them to the next level of engagement. Malia re-iterates that everything will be in the draft management plan. When it is released, the SAC will have smaller, more focused discussions on these issues.

Sanctuary name: Malia discusses the sanctuary naming process, and shares that the name *Na Kai 'Ewalu* has emerged as the top candidate. Sol is pleased with how the process went and the final decision.

Next steps for MPR process: Malia says that we are in final steps of the process, and hope to have a SAC meeting this summer after the draft plan is distributed. Elia informs the Council that, between now and summer, the State is working on an internal review to understand how the proposal fits in with other State activities. The plan is to sit down next week to go through all of the comments, and then the draft will be internally reviewed within NOAA.

There is a question about whether we are waiting on the Ni'ihau bill before releasing the plan. Malia says they are separate but parallel processes, and the boundary being considered is up to 3 miles offshore. Walter comments that the State has been privatizing public lands, and overturning state laws and that the governor has been decreasing road blocks for business.

Maui water quality

Robin Newbold, Chair of the Maui Nui Marine Resources Council, gives a presentation outlining water quality issues on Maui. Maui has the lowest water quality of all the islands, and residents wanted to know why the government wasn't doing anything about it. Now that the sanctuary is moving toward ecosystem-based management, there is an opportunity to work with the Maui community to try and alleviate the issue.

North Shore boundary expansion

Doug Cole speaks about the efforts to protect Kahuku point and Kawela Bay on the North Shore of O'ahu. Turtle Bay came up with a plan for the area that covered much of the James Campbell Wildlife Refuge with golf courses and resort residential developments. The North Shore Community Land Trust engaged community members to come up with an alternative conservation plan for the area, and established a 3-phase plan.

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Now Turtle Bay is considering a compromise and putting their residential developments on hold. It would also be helpful to have the sanctuary's support in the area to help facilitate an outcome that can benefit all parties.

Results of officer elections: Jack counts the votes for the chair and vice-chair positions on the Council, and announces that, by unanimous vote, Adam Pack will continue to serve as Council chair, and Solomon Kaho'ohalala will be the new vice-chair.

LUNCH

The Council reconvenes and Jeff Walters from NOAA Fisheries announces that Rachel Sprague is now the Monk Seal recovery coordinator.

Presentation: National Marine Sanctuary of American Sāmoa (NMSAS)

The presentation begins with a video that was released after the designation of the National Marine Sanctuary of American Samoa.

Allen Tom introduces Gene Brighthouse, Superintendent of NMSAS, and Lelei Peau, the Department of Commerce Co-manager of NMSAS. He explains that their site just completed their own MPR, and they have much to share with us as we go through our process.

Lelei begins by explaining that they are here to share their MPR process, but by no means to say that it is the best model for everyone. It's not a one size fits all procedure, and must be adapted based on the people and the place.

Gene goes on to give an overview of NMSAS. In 2012, they added 5 sites to the sanctuary to become the largest in the entire system. It has the highest marine biodiversity of all the sites. Their MPR started in 2007 with scoping meetings on each island to consult with village councils. In 2008 - 2009, they met extensively with stakeholders, including village councils, youth groups, women's groups, and NOAA partners to assess the biological value of some of the places and determine where the most protection was needed. They started with 11 sites and ended up with 6. The SAC was engaged from the very beginning and remained so throughout the entire process.

Lelei explained that building trust was a big challenge. In American Sāmoa, you need to defer to the highest talking chief in each family. Some critics questioned this protocol, but NMSAS was adamant that they would not be representing the interests of the Samoan people if they did not go through this process. The Office of Samoan Affairs came out with a public statement validating what the sanctuary did. Another challenge was educating people about the process. Many had concerns that the sanctuary would encroach on land, and NMSAS had to listen and learn from them to move forward.

Up until last year, the sanctuary was housed within the American Sāmoa Department of Commerce, and they are very proud of the education center that was built during that time. It has attracted visitors from across the islands.

Gene explains more about the role of the sanctuary since 2012. The Tauese P.F. Sunia Ocean Center is the new centerpiece of the program. There are information kiosks at the

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Douglass Cole
Ocean Recreation

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Research

Kimokeo Kapahulehua
Tourism

Jim Coon
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hospital and airport. They started building the center before the MPR came out. A year later, they have served 22% of the population, which is a great improvement. The center provides many opportunities for village communities, including weekly tours, ocean conservation classes, fitness classes, exhibits, and other activities. The parking lot has tents assembled for villagers to come and sell things about the area. They also bought a hyperbaric chamber to grow and support the local diving industry.

The floor is opened to questions. There is a discussion about what is meant by “Department of Commerce (DOC).” The DOC is the local American Sāmoa DOC, which is the co-manager of NMSAS, and the face that village communities most often see. Allen explains that the relationship is analogous to the sanctuary’s Memorandum of Agreement with DLNR.

Sol comments that in Hawai‘i, Native Hawaiians do not have the territorial representation system that they have in Sāmoa, with village councils having a voice for larger communities. Native Hawaiians are struggling to find a voice. He asks Lelei to discuss the authority of a high-talking chief and how that authority can be used. Lelei responds that he is a facilitator, not a decision maker. His job is to diffuse tension and ensure that science and traditional knowledge are both being blended into solutions. When there is a lack of consensus, it takes time, but he would never force anything. He is expected to have answers for people.

Adam asks how they determined what areas needed protection. Emily explains that various working groups were established to evaluate the biological significance as well as the cultural aspects of each proposed sites. A scoring sheet was established, but it really came down to the one-on-one conversations that were conducted and the input from the community.

BOEM Initiatives in Hawai‘i

Jack announces that we will have a presentation by Mark Eckenrode, from the Bureau of Ocean Energy Management (BOEM), who joins via Go-to-Meeting. At the last meeting, we heard an update from research subcommittee on ongoing research around the archipelago, and we invited a representative from BOEM to answer any questions the SAC might have.

Mark Eckenrode begins his presentation by explaining that BOEM is the Department of Interior’s ocean energy agency, tasked with managing the nation’s energy and mineral resources on the outer continental shelf.

BOEM is in Hawai‘i to respond to interest in offshore wind development and interisland cables. They are also working with the Department of Energy on the programmatic EIS for the Hawai‘i Clean Energy Initiative, conducting studies on technical, research, and environmental data gaps, and are participating in the Hawai‘i OCS Renewable Energy Task Force. The Task Force is a forum for government agencies, universities, and other local agencies to exchange data and educate each other about permitting and statutory responsibilities.



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BOEM is currently funding four studies in the Hawaiian islands: 1) Inventory analysis of coastal cultural heritage sites; 2) Seabird habitat and range study; 3) Marine biogeographic assessment of the main Hawaiian Islands, and 4) Hawai'i Ocean Users Atlas project.

Maka'ala comments that she appreciates the information but needs time to process it all. She is wondering who the Office of Planning person is because that would be a contact for this particular project. In Kaua'i, the seabird research is very relevant and they would like to know what is learned from it as soon as possible. They are also interested in learning more about the undersea cable process. Mark replies that they've done a couple of other studies not specifically on Kaua'i on how lighting affects birds and how we can protect these species. This study will conclude in 2016. Leo Asuncion adds that he is the person of contact for the Office of Planning. One thing that they wanted to make sure happened was to have as many people involved in this project as possible.

Kimokeo asks what Native Hawaiian organizations BOEM has worked with. Mark says that through the Department of Energy they have had talks with Ben Curtiss, Friends of Lana'i, others. They are still trying to understand what the best mechanism is to get input from Native-Hawaiian community. Adam suggests that Mark get in touch with our Native Hawaiian subcommittee to start.

There is a question about ocean leasing. Doug Boren, also on the phone from BOEM, responds that they have received interest from companies who were planning on developing wind facilities off shore. Right now they have been focused on collecting information and have not started the process of leasing to anyone. It was confirmed that this is a public process. BOEM does not control the process for fish cages.

Rick Gaffney asks whether the technology exists for an interisland cable. Mark replies that there are other cables that are capable, but it needs to be assessed to see if it can be safely implemented here in Hawai'i in deeper water. Doug asks if there is a list of examples of existing cables that could be referenced somewhere that the SAC can look at to see the effects of this technology. Andrea Gill has a list she will share, with a fact sheet of undersea cables throughout the globe.

Doug Cole asks if a cable can pass through the sanctuary. Mark responds that any cable will probably pass through the sanctuary so the jurisdiction will be shared. BOEM does not have jurisdiction to pass through the sanctuary. Malia states that the sanctuary currently does not have any regulations that restrict the deployment of a cable and also noted that there are current telecommunication cables that have been laid in the sanctuary. Right now if they were to move forward with this the sanctuary does not have the authority to prohibit this activity. The SAC could certainly weigh in about this topic and if we believe this would affect not only humpbacks but their ecosystem as well. Rachel Sprague says that there are some ways that the sanctuary could interject to mitigate all adverse affects.

Maka'ala states concern over the uncertainty of this technology because it has not been implemented in Hawai'i. She would like access to some environmental and cultural investigation into this topic. It's important that we reach out beyond ourselves to other people who have dealt with this before so that we can better understand this process. Mark says that past projects have gone through extensive environmental reviews that we will take into consideration when we proceed.



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Kimokeo asks if, since we do know that there is a project that is looking to go from Maui to O'ahu, in this process, could they come to you now and apply for a lease for the cable, without going through the process that we are talking about? Mark replies that they can but they need to provide evidence to ensure that they have renewable energy flowing into those cables which have not been established yet.

MPR Working Group report

Jack explains that the MPR working group is chaired by himself and Sol, and consists of council members as well as members of the public. The purpose is to review the plan once it comes out and evaluate independently to inform the sanctuary of their findings. Prior to the release of the MPR they need to recruit so they are ready once it comes out.

Sol states that there are many things that the sanctuary and the SAC can learn from American Sāmoa. They have a different process than the sanctuary but it is important to learn from them, especially the way they enlisted the trust of the community.

There is a discussion about the role of the MPR working group in creating a plan to share the draft with the public. Jack says the working group is happy to take this on but he would suggest getting the entire SAC involved, not just the MPR working group. When the plan first comes out it would be great if the SAC could get together and hash it out during the 90 day comment period. That would initiate the MPR working group to get together before the period ends. For now, the best way forward is to take the information shared today back to your communities and share as you see fit. Walter asks if a presentation can be made to Aha Moku, and Malia says it would be a great idea to involve them now. Malia assigns Emily Gaskin as the support staff for the MPR working group, and Elia says Shannon Lyday can help as well. A sign-up sheet for MPR Working Group is passed around.

Research and Conservation reports

Maka'ala holds up copies of the Hanalei Moon and Tide Calendar, and explains that it serves as an example of a value product that was supported by the sanctuary. Its development helped to formulate and articulate the ideas of the Hanalei community. It was handed out to school students, fishermen, and tourists. Copies are available to everyone.

Jack reports that the research committee has gotten out in front of emerging issues, so if you have any issues in your back yard that you feel the research committee could look more into, please forward it to them.

Public Comments

Gordon LaBedz speaks first, stating that he talks to whales and they tell him: "Thanks for not killing us anymore." They are grateful for all who choose a vegetarian diet. The sanctuary is irrelevant to them, but he reminds them of the disentanglements and they say "thank you." All of these working groups are irrelevant, and he is disappointed in the staff for being so cowardly. He says everyone will be fine with the new management plan because it will ultimately do nothing.



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Dave Weiss from Terlani Sailing stands to speak. He says his staff is respectful. In 20 years, there have been no injuries to whales by his company, and they never purposefully get within 100 yards. He states that backing up when a whale is nearby is dangerous. Terlani Sailing uses a hydrophone to broadcast whale songs and does not believe that it is harmful. He states that whale populations have rebounded and their population is that of pre-whaling times. He asks if the guidelines in place are really necessary.

Mel Wills voices a similar concern about the 100 yard regulation. He says it is increasingly hard to abide by this rule due to the unpredictable nature of the animals, although compliance is the goal. He feels that the current regulation is more than adequate, and that in the future it will become increasingly more difficult. He states that he would like to take more information about the management plan back to Kaua'i.

Adam references the letter from Pacific Whale Foundation that is concerned with Go Pro cameras. Many people also use hydrophones.

Education subcommittee report

Jennifer Barrett reports that the education subcommittee has not been active for a while, but will meet later this month in this building. A sign-up sheet for the committee is passed around.

Native Hawaiian subcommittee – No report. A sign-up sheet is passed around.

Sanctuary updates

Malia announces that S.E.A is developing a curriculum that will be travelling to communities throughout Hawai'i connecting people to places. Jack adds that they have been discussing this for many years, working with Hawai'i Pacific University to develop curriculum on place-based learning and aid.

Malia refers the SAC to review the management report in the handout, which outlines the "campaign of engagement." This is an opportunity to increase partnerships with the private sector and bring in funds through the National Marine Sanctuary Foundation. The sanctuary has a memorandum of agreement in place with Turtle Bay.

Elia gives an update from the State. They now have Shannon Lyday on board, and Frazer McGilvray has also joined as the DAR Administrator. In December they underwent a strategic assessment in to learn about their programs and identify areas for improvement. They are in the process of the State review of the management plan. Last week they held an informational briefing on ship strikes. Last year there was a resolution passed by the senate asking the sanctuary and DLNR to look into this issue. The resolution was altered to work on existing process and plans. They are supportive of continuing the process and exploring other options.

Sol raises a concern that the shift to ecosystem-based management is not supported with a policy body that has a full understanding of what that is. The legislators understand that this is federally funded and are wondering how much more the State has to support this process. Elia notes that there was a bill proposed to formally recognize State co-



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management and it raised a lot of questions about funding. The decision on that bill has been deferred. There needs to be more education on all sides.

It is reported that Bill Walsh has just made a discovery of an Acropora table coral found off of the coast of Kona that has never been seen before. It was a 60 foot long field of coral, which raises the possibility that this coral may very well exist somewhere else in the islands.

Adam encourages everyone to read the article on ship strikes that was recently published. He also notes that communication has decreased with budget challenges, and encourages joining a subcommittee as a great way to continue to be engaged. The way they can work is to meet between regular SAC meetings. When there is an executive committee conference call those notes should be available between meetings.

Pau

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